

Applicants note that the publication date of the Russian Patent is August 23, 1990. Applicants are submitting an enclosed Declaration under 37 C.F.R. §1.131 by Donald R. Huffman, one of the inventors of the above-identified case. Dr. Huffman attests and shows by attached exhibits that the preparation of fullerenes, e.g. C<sub>60</sub>, as well as the use of non-polar solvents to physically separate fullerenes, including C<sub>60</sub>, from the sooty carbon product prepared by vaporization of a carbon source in the presence of an inert gas, was effected and completed in his laboratories at the University of Arizona in Tucson, Arizona, prior to the publication date of the Russian patent. Thus, the present invention, including the use of non-polar solvents for the extraction of fullerenes, e.g., C<sub>60</sub>, from the sooty carbon product, was completed in the United States prior to the publication date of the Russian reference. Consequently, the Russian patent has been antedated and can not be used as a reference against the claims in the pending application. Therefore, in view of the above as well as for the reasons provided in the previous response, this rejection of Claims 45-84, 96 and 160-203 under 35 U.S.C. §103 is obviated, and withdrawal thereof is respectfully requested.

Thus, in view of the Declaration of Donald R. Huffman, the remarks hereinabove and the remarks in the Response under 37 C.F.R. §1.115 dated April 4, 1996, it is respectfully submitted that the present case is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

  
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